Stricken language would be deleted from and underlined language would be added to present law. Act 720 of the Regular Session

1	State of Arkansas	As Engrossed: ${ m A}$	H3/5/15	
2	90th General Assembly	A	Bill	
3	Regular Session, 2015		HOUSE BILL 1488	
4				
5	By: Representatives Lemons, Tosh, Baine, Ballinger, Bell, Bentley, Brown, Copeland, Cozart, Dotson,			
6	Eads, Eaves, Farrer, M. Gray, Henderson, Holcomb, Jean, Johnson, Ladyman, Lampkin, Lowery,			
7	Lundstrum, Magie, Nicks, Richmond, Rushing, B. Smith, Sorvillo, Speaks, Vaught, Wallace, J. Mayberry			
8	By: Senator E. Williams			
9				
10	For An Act To Be Entitled			
11	AN ACT CONC	CERNING THE REQUIREM	MENT THAT THE CHIEF LAW	
12	ENFORCEMENT	Γ OFFICER OF A JURIS	SDICTION MAKE CERTAIN	
13	CERTIFICATI	IONS CONCERNING THE	RECEIPT OR MANUFACTURE	
14	OF A FIREARM; AND FOR OTHER PURPOSES.			
15				
16				
17		Subtitl	e	
18	CONCE	RNING THE REQUIREMEN	NT THAT THE CHIEF	
19	LAW E	NFORCEMENT OFFICER (OF A JURISDICTION	
20	MAKE CERTAIN CERTIFICATIONS CONCERNING			
21	THE R	ECEIPT OR MANUFACTU	RE OF A FIREARM.	
22				
23				
24	BE IT ENACTED BY THE GE	ENERAL ASSEMBLY OF T	THE STATE OF ARKANSAS:	
25				
26	SECTION 1. Arkar	nsas Code Title 5, C	Chapter 73, Subchapter 1, is amended	
27	to add an additional se	ection to read as fo	ollows:	
28	5-73-112. Certif	fication by a chief	law enforcement officer regarding	
29	receipt or manufacture	of a firearm.		
30	(a) As used in t	this section:		
31	(1) "Certification" means the participation and assent of the			
32	chief law enforcement officer or his or her designee necessary under federal			
33	law for the approval of an application to transfer or manufacture a firearm;			
34	and			
35	(2) "Firearm" means the same as defined in the National Firearms			
36	Act, 26 U.S.C. § 5845(a) as it existed on January 1, 2015.			

1	(b)(1) When certification by the chief law enforcement officer of a			
2	jurisdiction is required by federal law or regulation for the transfer or			
3	manufacture of a firearm within fifteen (15) days of receipt of a request for			
4	certification, the chief law enforcement officer or his or her designee shall			
5	provide the certification if the applicant is not prohibited by law from			
6	receiving or manufacturing the firearm or is not the subject of a proceeding			
7	that could result in the applicant's being prohibited by law from receiving			
8	or manufacturing the firearm.			
9	(2) If the applicant is prohibited by law from receiving or			
10	manufacturing the firearm or is the subject of a proceeding that could result			
11	in a prohibition against his or her receiving or manufacturing the firearm,			
12	the chief law enforcement officer or his or her designee shall provide			
13	written notification to the applicant that states the reasons for his or her			
14	findings and that the certification is denied.			
15	(c)(l) An applicant whose request for certification is denied may			
16	appeal the denial to the circuit court where the applicant resides.			
17	(2) The circuit court shall review the denial de novo.			
18	(3) If the circuit court finds that the applicant is not			
19	prohibited by law from receiving or manufacturing the firearm or is not the			
20	subject of a proceeding that could result in a prohibition against his or her			
21	receiving or manufacturing the firearm, the circuit court shall order the			
22	chief law enforcement officer to issue the certification to the applicant.			
23	(d) Except as provided in subdivision (c)(3) of this section, the			
24	chief law enforcement officer of a jurisdiction and his or her employees who			
25	act in good faith are immune from civil liability arising from any act or			
26	omission in making a certification under this section.			
27				
28	/s/Lemons			
29				
30				
31	APPROVED: 03/27/2015			
32				
33				
34				
35				
36				